SEQRA FINDINGS STATEMENT AND DECISION

Tompkins County Legislature

Public Safety Communications System
Tompkins County, New York

Pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617, the Tompkins County Legislature, as lead agency, makes the following findings:

NAME OF ACTION

Public Safety Communications System
SEQRA Classification: Type I

DESCRIPTION OF THE ACTION

The proposed action is the approval, construction and operation of the Tompkins County Public Safety Communications System ("PSCS" or the "Project"). The PSCS is a wireless public safety communication system using digital, trunked 800 MHz frequency technology that will replace the existing public safety communications network. The network is used by first responders to emergencies, including fire, police, sheriff, and ambulance. Project components include construction of four new tower facilities and upgrades or replacements to five existing tower facilities. In addition to the nine sites being developed as part of the Project, a tenth site, the South Hill site in the City of Ithaca has previously been reviewed and approved for the County's use.

The new towers will be less than 200 feet high, free-standing lattice construction and unlighted. Each will be equipped with various antenna and microwave dishes. Additional site facilities include access drives, shelters for emergency generators and electrical equipment, above-ground propane tanks, security fencing, and electrical service.

LOCATION OF THE ACTION

The Project will be located in Tompkins County and will involve the construction or upgrade of nine transmission towers. Of the nine transmission towers, only four sites would be constructed at new locations. The remaining five sites will reuse or share existing structures or will be rebuilt on the site of an existing tower. The nine proposed sites are identified by their locations within the towns of Caroline, Danby (North), Danby (South), Dryden (East), Dryden (West), Enfield, Groton, Newfield (North), and Newfield (South).

AGENCY JURISDICTION

The Tompkins County Legislature is the lead agency for the current action. It is the agency that will directly undertake the proposed Project.

DATES DRAFT AND FINAL EIS ACCEPTED

Draft EIS: October 18, 2005

Final EIS: December 9, 2005

CONTACT PERSON

Joan Jurkowich
Deputy Commissioner of Planning
121 E. Court Street
Ithaca, NY 14850
(607) 274-5560

FACTS AND INFORMATION RELIED UPON TO SUPPORT THE DECISION

I. INTRODUCTION

This document is intended to serve as the SEQRA Findings Statement and decision by the Tompkins County Legislature ("County") as lead agency to undertake the construction and operation of a wireless 800 MHz Public Safety Communications System (the "Project"). It was prepared in compliance with Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617. This Findings Statement includes a description of the proposed action, a summary of SEQRA procedural compliance, an identification of potentially significant adverse and beneficial environmental impacts anticipated as a result of the action, and a reasoned elaboration of how the County, as project sponsor, will minimize or avoid these potential adverse effects to the greatest extent practicable, in light of social, economic, and other essential considerations.

SEQRA was designed to foster a careful review by all interested parties of any potentially significant adverse environmental impacts at the earliest possible time, when discussion of such impacts has the most meaning. This review is conducted when the project is still in its conceptual and formulative stages, prior to any agency decisions.

This environmental review has afforded the County and any other involved agencies a clear understanding of the potential adverse environmental impacts that might arise from the actual construction and operation of the Project. The County has carefully and thoroughly reviewed the information contained in the Final Environmental Impact Statement ("FEIS"), including the Draft Environmental Impact Statement ("DEIS") and its Appendices, which together constitute the FEIS, and oral and written comments thereon received from the general public. The County found it to be an adequate examination of all important potential impacts which may result from the Project.

Furthermore, comments received on that information and responses to that commentary were included in the FEIS. The County has carefully and thoroughly reviewed and determined both the DEIS and FEIS to be adequate and complete.

On balance, and after careful consideration of all relevant documentation and comments, the County believes it has more than adequate information to evaluate all of the benefits and potential adverse environmental impacts of the Project.

II. PROJECT DESCRIPTION

The ten tower system was designed to provide the broadest possible coverage for the entire County. With the proposed configuration, it is estimated that coverage will approximate 95%. The County undertook substantial planning in order to maximize coverage while reducing Project impacts and costs. Each of the tower sites is an integral part of the entire system. Elimination or substantial relocation of any one or more of the sites would significantly reduce the effectiveness of the PSCS and/or require significant reconfiguration of other sites. Therefore, the location of each particular site is constrained by technological capabilities, topography and practicability.

Specifically, the Project involves the actual construction of six 180-foot self-supported towers. Four of these will be located on new sites, while two involve the replacement of towers on existing sites. The four new tower locations are as follows:

1. Town of Danby (North) - East Miller Road [Danby North Site]
2. Town of Danby (South) - Curtis Road and Hill Road [Danby South Site]
3. Town of Caroline - Taft Road [Caroline Site]
4. Town of Enfield - Podunk Road [Enfield Site]

The two replacement towers are located in the Town of Newfield (Irish Hill Road) [Newfield South Site] and the Town of Dryden (Mt. Pleasant Road) [Dryden West Site].

In addition, the Project requires the upgrade and extension of an existing tower in the Town of Groton (Sincerbeaux Road) [Groton Site]; the upgrade and reinforcement of an existing tower in the Town of Dryden (Walker Road) [Dryden East Site]; and the co-location of new equipment on an existing tower in the Town of Newfield (Protts Hill Road) [Newfield North Site].

Each of the sites will be equipped with a new shelter to house equipment and emergency generators and other site improvements including security fencing and access roads. Limited vegetation clearing and grading will also be required at certain sites.

III. SEQRA PROCEDURAL COMPLIANCE

Project planning began in or around November, 2000 when the County retained New York State Technical Enterprises Corporation ("NYSTEC") to evaluate the County's existing emergency communications system; its present and future needs; and options for accommodating the County's needs. NYSTEC issued a report of its findings and recommendations on or about February 28, 2001. The County released a request for proposals based on NYSTEC's recommendations on or about May, 2002. Motorola was the successful bidder. Prior to entering any contract with Motorola or taking any further action with respect to the Project beyond preliminary planning activities, the County completed this SEQRA review.

As the agency directly undertaking the action, the County, as SEQRA lead agency, determined that the Project was a Type I action, prepared an Environmental Assessment Form and issued a Positive Declaration, noticing its intent to prepare a Draft Environmental Impact Statement ("DEIS"). The Positive Declaration, together with a Draft Scoping Document was noticed in the Environmental Notice Bulletin ("ENB") and distributed for comment to various local and state agencies and the public on or about February 22, 2001. Based, in part, on comments received on the Draft Scope, a Final Scoping Document was prepared and released on or about December 12, 2001.

The DEIS was prepared by the County based on the Final Scoping Document. A Notice of Completion of the DEIS was prepared, filed and published by the County on October 19, 2005. The DEIS was distributed to local and state agencies and made available to the public in several local libraries, local government offices and on the County's website. A public comment period on the DEIS was open from October 19, 2005 to November 18, 2005. A properly noticed public hearing on the DEIS was conducted on November 3, 2005.

Public comments on the DEIS (both oral and written) were carefully reviewed and thoroughly considered. Responses to all substantive comments received were incorporated into the FEIS. The County prepared and filed a Notice of Completion of the FEIS on December 9, 2005 and distributed the FEIS to local and state agencies and other interested parties. As with the other SEQRA documents, the FEIS was made available at local government offices and on the County's website, www.tompkins-co.org .

IV. PUBLIC NEED

The Proposed Project will satisfy the Tompkins County community's need for a more efficient and reliable emergency communications response system. The existing system's infrastructure, equipment, and technology are becoming increasingly obsolete and prone to failure. The first-responder community has expressed concern about a potential system failure or a missed communication in a crucial situation that could compromise the safety of a worker or the public. Based on the surveys conducted, site audits, and general practices in the industry, NYSTEC identified current system shortcomings and the need to replace the system.

V. BENEFITS OF THE PROJECT

The overall benefit of the PSCS project is that it will enable the County to improve the level of emergency service responsiveness, coordination and reliability. Improved emergency response communications will benefit the overall well-being and safety of the entire community.

The primary substantive benefit of the PSCS project will be the replacement of the existing antiquated communication infrastructure. The PSCS project will benefit the community by providing improved technology to enhance sound quality and increase data transfer; improved coverage to approximately 95% of roadways and geographic area of the County; and 95% reliability in voice communications for public safety responders (e.g., fire, police, and emergency medical technicians). Due to the rugged terrain in parts of the County and the nature of radio signals, which can be blocked by or reflected from dense materials, it is impractical to attain 100% coverage or reliability.

In addition, the infrastructure will provide a platform for a communications system that can also be used by local government and non-profit agencies within the County. This additional benefit will improve the efficiency of government and other community service organizations.

VI. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Sections 4 and 5 of the DEIS describe, in detail, the existing environmental setting of the sites involved in the Project. These descriptions are devoted to geologic and topographic resources; water resources; wetlands; biological resources; agricultural resources; community character; visual resources; public health; cultural resources; noise and transportation systems.

Based on the discussion of the environmental setting and comments from the public and governmental agencies, it is evident that the majority of potential adverse environmental impacts identified will be short-term in duration and related to the construction of the proposed new facilities. These include impacts related to noise, traffic, soil erosion, and land clearing. Potentially adverse long-term impacts are focused primarily on visual impacts, public health and safety and noise.

The following subsections identify the considerations that have been weighed and the reasoning behind a decision to move forward with the Project. The discussion addresses the potential environmental impacts of the proposed Project and describes mitigation measures to avoid or minimize these impacts which will be incorporated into the final Project plans.

1. Geology, Soils and Topography

During the construction phase of the Project, the existing topography will be altered only in the immediate areas of the tower, shelter footprint and access drive. The access drive will involve the

clearing and construction of a gravel access road. The new equipment shelter required at each site will involve limited clearing and placement of a pre-fab structure, with the possibility of footers placed below the frost-line. The new towers will require clearing and construction of concrete caissons drilled into subsurface soils and bedrock.

The specific topography of each site is outlined in section 4.1.1.3 of the DEIS. The primary impact to geology, soils and topography at each of the proposed locations will be short-term and occur during construction as a result of limited disturbance of surface materials and potential erosion of the disturbed areas during precipitation events.

The likelihood and severity of impacts to geology, soils and topography will be eliminated or minimized through design and proper implementation of erosion control measures in accordance with New York State Department of Environmental Conservation ("NYSDEC") technical standards. The need for a NYSDEC SPDES General Permit for Stormwater Discharges Associated with Construction Activities is unlikely due to the minimal amount of disturbance (less than ¼ acre/site), but will be confirmed on a site by site basis during final design. Long-term, post-construction impacts that might occur during operation and maintenance include additional site erosion but these impacts are not likely to be significant since disturbed areas will be revegetated and drainage improvements maintained.

2. Water Resources

There are no regulated wetlands or streams on or adjacent to any of the sites. It does not appear that a NYSDEC SPDES General Permit for stormwater discharge from construction activities will be required as site disturbance at each site is anticipated to be less than ¼ acre. Nevertheless, erosion control measures will be designed and implemented during construction, including use of straw bales and silt fencing, covering exposed soil piles, construction of permanent gravel drives with appropriate drainage, and revegetation of exposed soils as soon as practicable.

Based on general geology of the sites and the fact that facilities will be situated near hill tops and away from wetlands and surface water bodies, it is expected that groundwater will be relatively deep and likely would be encountered, it at all, only during construction of the tower caissons or anchors. Appropriate engineering controls will be implemented during such construction and no significant adverse impacts to groundwater are expected.

Likewise, no impacts to surface water or groundwater resources are anticipated during the operational phase of the Project.

3. Biological Resources

a. Vegetation

Impacts to vegetation will occur only during the construction phase and will mainly involve removal of old field vegetation (woodland/scrub shrub cover) to facilitate location of the new towers. It is anticipated that less than one acre of vegetation will be removed at each site. (Project totals are approximately 2.0 acres of woodland and 0.5 acres of scrub shrub). The Project will not cause the elimination of any threatened, rare or endangered plant species from the sites. Cleared areas that are not built upon will be revegetated in grass or low shrubs and will be maintained in an early successional stage for the life of the towers.

b. Wildlife

No rare, threatened or endangered wildlife species or critical habitats were identified on the sites and none will be affected by the Project. Short-term construction related impacts may result from the disruption of open field habitat around the towers used by birds and large and medium sized mammals.

The DEIS looked closely at long-term impacts to migrating birds that might result from operation of the towers. (See DEIS at 4-12). Bird collisions with towers are a recognized potential adverse impact. The potential for such collisions is increased for larger lighted towers and towers utilizing guy wires. The proposed Project towers will be free-standing and unlighted. Further, the DEIS ran the U.S. Air Force Bird Avoidance Model for Tompkins County and determined that the risk potential for bird strikes in this area is relatively low. Mitigation measures that have been incorporated into the design of the Project to avoid or minimize adverse impacts from migrating bird collisions include utilization, where possible, of existing tower sites; limiting the height of new towers to under 200 feet; and avoiding the use of tower lights and guy wires.

4. Agricultural Resources

While five of the proposed sites are located in designated Agricultural Districts, no sites involve the conversion of existing agricultural uses and the location and minimization of constructed facilities will further reduce the loss of potential agricultural lands. Therefore, no significant long or short-term adverse impacts to agricultural resources are expected from the Project.

5. Community Character

The predominant character of Tompkins County in general, and the host communities in particular, is rural and agricultural. Comprehensive planning in a number of these communities identities preservation of rural character as a primary goal. Certain communities, including the Town of Danby and the Town of Dryden, expressly recognize the desire to balance the need for adequate telecommunications coverage with potential adverse impacts of telecommunications structures. The County's own 2004 Comprehensive Plan identifies the implementation of the county-wide PSCS as a priority action item, while also calling for the preservation of the community's defining natural features.

The Project is consistent with the County's 2004 Comprehensive Plan as well as the comprehensive planning goals of a number of the host communities. The PSCS will provide improved and enhanced public safety communications coverage which will both protect public health and welfare and generally improve community well-being. The siting process attempted to preserve existing rural character by minimizing the number of new sites utilized and minimizing the aerial extent (generally less than ¼ acre) of facility construction and site disturbance. All of the proposed sites avoid municipal parks, special resource areas, greenways, recreationways, waterway access, corridors or existing trails. Less than 2% of County residents live within one mile of the proposed sites. Further, since all of the sites are located in areas with low populations, there will be minimal short-term adverse impacts from construction on County residents. Nor will the construction, re-construction and co-location of structures at the proposed sites disproportionately adversely affect Environmental Justice populations.

The Project is not anticipated to induce new growth and development in the vicinity of the sites. While there may be short-tem construction related job creation, there is no planned significant increase in long-term employment expected from the Project. Therefore, there will be no measurable increase in local population or in the demand for social services, volunteer services, educational resources,

recreational facilities or health care. Likewise, while public safety and emergency services will be enhanced by the Project, there will be no need for any increase in such services generated by the Project.

Finally, the proposed Project will represent a noticeable change to the particular facility locations from certain viewpoints in the immediate vicinity of such sites. These potentially adverse impacts are discussed in the following section.

6. Visual Resources

The County has been aware since the inception of planning for the proposed Project of the community's concern over potential adverse visual impacts from the increase and location of new tower sites. To better assess and analyze these potential impacts, the County, through its SEQRA consultant ENSR, retained Environmental Design and Research, Inc. ("EDR"), one of the leading firms in the assessment of visual impacts from development. In fact, EDR conducted the visual impacts assessment ("VIA") for the Statewide Wireless Network ("SWN") project Generic EIS. Among other things, EDR's VIA for the Project focused on identification of the existing visual character of the Project area; an evaluation of the potential visibility of Project components; and an assessment of visual impacts. A summary of EDR's methodologies and findings is included in the DEIS at p. 5-9, while the full VIA Report is included in Appendix E to the DEIS.

Based on accepted methodologies, EDR selected a 5-mile radius from each tower location as the VIA study area. As part of the evaluation of potential project visibility, EDR conducted a viewshed mapping analysis to locate several visually sensitive areas within the 5-mile radius that could have potential views of the proposed towers. Views from these locations were then field verified through viewing existing towers and the use of a tethered test balloon. A minimum of 20 viewpoints were assessed for each site. Field verification indicated that due to screening by vegetation and structures, actual tower visibility will be much more limited than suggested by the viewshed mapping which is based on topography. Sensitive viewpoints where tower visibility was confirmed were identified and documented with photographs.

In addition to the field verification, EDR prepared photo simulations from 31 identified viewpoints. The simulations were rated by a panel of 3 EDR landscape architects. This evaluation indicated that from the majority of viewpoints evaluated, the proposed Project facilities were basically compatible with the existing landscape. On a scale of 1-5, 21 of the 31 viewpoints (68%) received scores under 2.0, indicating minimal, if any, contrast with the existing landscape. Eight viewpoints (26%) scored in the range of 2.0 to 3.0, indicating low to moderate contrast, while only two viewpoints (6%) scored between 3.0 and 4.0, indicating moderate contrast.

The highest scores were received at roadside viewpoints of the Danby North tower from East Miller Road and the Danby South tower from Michigan Hollow Road. The higher scores were generally attributed to closer viewer distance and lack of other man-made features in the view.

At the low end of the visual impact rating, the average scores for the Newfield North, Dryden East and Groton facilities (as well as the cumulative view showing the Danby North, Danby South and another existing tower) received scores ranging from 1.0 to 1.23, indicating that these proposed facilities (all upgrades or co-locations) result in little or no contrast with existing conditions, and are generally compatible with the existing landscape.

Mitigation of long-term visual impacts is constrained and limited by height and siting requirements, including the necessary configuration of the entire system to provide broadest coverage

with minimal uncovered areas. In other words, any elimination or substantial relocation of one tower will likely require the reconfiguration and relocation of many, if not all, other towers planned for the system and the potential for lost coverage within the community.

Nevertheless, based on the VIA and public comment, the County was able to relocate the Danby North tower by an additional 450 feet away from the road and nearby residence. The tower will now be located more than 800 feet from the nearby residence. This relocation will reduce the visual impacts of the tower in the immediate vicinity while retaining the effectiveness of the system. No other similar relocations were deemed necessary or practicable.

In addition to the Danby North relocation, other mitigation measures identified by the VIA have been or will be incorporated into the Project design to the greatest extent practicable. These include co-location of transmission hardware on existing structures; open lattice construction; utilization of light colored antennae; limits on tower height (less than 200 feet) to avoid the need for lighting; and plans for removal of facilities upon the end of operations.

7. Public Health and Safety

From a public safety standpoint, the proposed Project will provide significantly improved coverage and reliability over the existing communications network, thereby reducing delays in emergency response and improving overall community well-being.

Radio frequency (RF) electromagnetic emissions and associated power densities are an unavoidable result of the Project. A critical evaluation of peer-reviewed literature conducted for the Statewide Wireless Network ("SWN") project GEIS revealed no report of adverse health effects, including cancer, linked to ambient electromagnetic fields ("EMF"). To further minimize or eliminate potential health impacts from RF emissions, transmitters will be placed high enough on towers and periodically checked to ensure that power densities at the nearest receptors will be significantly below FCC limits.

To reduce the possibility of structure collapse, the new self-supporting towers will utilize a state of the art tripod design. In addition, the towers will be designed to be stronger near the bottom. As a result, any failure will typically result in the top portion folding over on itself. This will result in a smaller fall zone. In addition, the new tower sites were selected and located to provide maximum clearance around the towers, avoiding nearby structures.

A comprehensive grounding system and lightning arrestors will be utilized for lightning protection.

Ten foot chain link fences will be constructed at each location for site security and to deter trespass.

8. Cultural Resources

A Phase IA cultural resources survey was conducted at each site to assess archeological sensitivity and to evaluate visual effects to historic structures within a ½ mile radius of the four new tower sites. No historic properties, structures or sites listed or eligible for listing on the State or National Registers of Historic Places were identified within or immediately adjacent to any of the proposed site locations. Likewise, no prehistoric or historic archeological sites were identified within or immediately adjacent to the proposed site locations.

The visual survey for the four new tower locations disclosed no visible effects on any sites listed or deemed eligible for listing on the State or National Registers.

Nevertheless, because Central New York was settled during the prehistoric and historic periods, there remains a potential for identifying prehistoric and historic sites within the Project locations. Therefore, because the sites are generally consistent with sensitive locations, the County will integrate a field protocol to avoid or minimize any potential adverse impacts to cultural resources that may be encountered during construction. The protocol, which is incorporated as a mitigation measure, will include the following measures:

(i) Stage 1B archeological testing, per OPRHP guidelines, will be conducted at sites or areas of sensitivity that cannot be documented to have been disturbed. The archeological field testing shall be completed sufficiently in advance of construction to allow appropriate consultation regarding potential impacts to archeological sites.

(ii) When a Stage 1B evaluation results in the discovery of archeological materials, additional investigation will be carried out in order to determine the extent of archeological site integrity and significance. The OPRHP will be consulted and given the opportunity to review and approve avoidance or mitigation plans prior to the start of construction in the area.

(iii) The implementation of the work identified will be administered by a 36 CFR 61 qualified archeologist.

9. Noise

There are no state or local laws or ordinances placing numerical limits on noise levels. To evaluate potential adverse noise impacts, the NYSDEC Program Policy for Assessing and Mitigating Noise Impacts was utilized. Noise impacts were evaluated at the nearest inhabited receptor. Noise generating sources and activities are limited to project construction equipment and the emergency generator.

a. Project Construction

Due to the use of heavy equipment, project construction is expected to result in a temporary significant increase in noise levels at nearby receptors. Construction noise impacts are expected to be comparable to noise impacts from light construction such as residential construction and include transient noise from delivery trucks, bucket loaders and cranes.

Construction will be short-term (4-6 weeks) and noise generated will be intermittent rather than continuous. Construction noise will be further limited to daytime hours from Monday to Friday. Additional best management practices such as limiting idling of equipment, use of appropriate mufflers and routine equipment maintenance are further noise mitigation measures to be incorporated into Project construction.

b. Emergency Generator

Project operational noise will only occur when the site emergency generator is in operation. This will occur during power-outage emergencies and routine generator testing which will occur once per week during the daytime for approximately one hour. Noise levels for these operations are predicted to be below NYSDEC noise impact indicator thresholds and are, therefore, not expected to result in any significant adverse noise impacts.

Additional mitigation measures will further reduce operational noise impacts. These include placing the generators inside the site shelters; utilizing low noise mufflers at three sites; and directing generator exhaust away from nearby residences.

10. Transportation

The proposed Project is not expected to generate increased traffic. Minor, temporary delays could be experienced during the construction phase due to delivery of construction equipment and materials. Such deliveries will be planned to comply with applicable transportation regulations and roadway capacities. During the operational phase, the only traffic generated by the Project will be for routine facility maintenance. Driveways onto local roadways will be constructed only for the new tower sites. These will be developed pursuant to accepted construction standards. Therefore, the proposed Project will not create any significant adverse impacts to transportation systems.

VII. ALTERNATIVES CONSIDERED

The DEIS identified and analyzed a variety of alternatives for the proposed Project, including the following:

1. No Action Alternative

Under this alternative, the County would continue to operate and maintain the existing communications network. The NYSTEC audit and assessment of the existing system identified and confirmed significant shortcomings in the system that could not be resolved by simple maintenance and upgrades. The no action alternative, therefore, would not meet the objectives of the County to provide more reliable and efficient emergency response communications and to expand system coverage to approximately 95%.

2. Alternative Technologies

As part of the NYSTEC assessment, three alternative technologies were considered. Satellite service was determined to be impractical for emergency service use due to long set up times and delay times in transmissions. Use inside buildings or in heavily forested areas is also limited and in some cases not possible. Portable equipment is also cumbersome and bulky.

Commercial services (e.g., cellular/PCS and satellites) were also considered and determined impractical for emergency service use due, again, to long set up times, limited coverage and lack of control or priority on availability or necessary redundancy in case of power loss.

Land Mobile Radios ("LMR") were considered to be the technology best designed to meet the County's public safety needs. It is the predominant technology used by public safety professionals; it is owner managed and controlled, enabling priority calling and call preemption; it provides short, almost instantaneous, connection times and point to multi-point call availability utilizing a central dispatcher.

3. Alternative LMR Technologies

NYSTEC also considered multiple alternatives with respect to the LMR technology itself. These included frequency band; trunking vs. conventional; multicast vs. simulcast; digital vs. analog; access methods; architectural topologies; and siting. Specifically, NYSTEC evaluated four specific LMR configurations.

- Enhancement of the current LMR system;
- Trunked, VHF LMR system;
- Trunked, Digital, 800-MHz LMR network; and
- The Statewide Wireless Network ("SWN").

NYSTEC's evaluation of the existing LMR system concluded that the existing system cannot be repaired to fully meet the County's requirements. Further, VHF or UHF trunking was deemed impossible. NYSTEC concluded that the trunked, digital, 800 MHz system would best meet the County's immediate and future needs to improve and expand its system. The implementation and schedule for the SWN system is still uncertain. Because the SWN will be a similar system, the County will likely become part of it if and when it becomes available to the County.

4. Alternative Site Configurations

The County undertook an extensive review of tower site configurations in order to achieve coverage objectives. The County considered a minimum of 12 different configurations (as described in the DEIS at Section 3.2.3) which evolved into the current ten site configuration (in addition to the nine sites being developed as part of the Project, a tenth site, the South Hill site in the City of Ithaca, has previously been reviewed and approved for the County's use). This current configuration was determined by the County to meet its coverage objective.

5. Alternative Site Locations

The proposed site configuration relies on existing tower sites to the greatest extent practicable. This has resulted in the need for only four new tower sites. The County considered a number of siting factors to locate the new sites, including, among others, base elevation and topography to accommodate necessary equipment; site access; environmental factors to minimize the amount of natural resource disturbance; and willingness of property owners. The County believes that the individual sites identified best meet its coverage objectives and minimize adverse environmental impacts to the greatest extent practicable. Based on comments on the DEIS and further evaluation, the County was able to relocate the Danby North tower by an additional 450 feet from the road and nearby residence to further reduce visual impacts.

XII. CONCLUSION

In issuing this Statement of Findings, the Tompkins County Legislature has carefully examined and given due consideration to the Draft Environmental Impact Statement (October 18, 2005) and the Final Environmental Impact Statement (December 9, 2005) and public and agency comments on those documents.

After careful and thorough consideration, the Tompkins County Legislature finds the construction and operation of the proposed Public Safety Communications System examined in the above referenced documents to be environmentally sound and the best alternative to provide a reliable emergency communications system to protect and benefit the entire County.

Therefore, in consideration of the foregoing, the Tompkins County Legislature, as lead agency, issues this Findings Statement, and certifies under Section 8-1019.8 of the Environmental Conservation Law and 6 NYCRR Section 617.11 that:

1. The County has carefully examined and given due consideration to the relevant environmental impacts, facts, and conclusions disclosed in the Draft and Final EIS and public comments on those documents.

2. The requirements of Article 8 of the New York State Environmental Conservation Law, and regulations promulgated thereunder at 6 NYCRR Part 617, have been met and fully satisfied.

3. The County has carefully weighed and balanced the relevant environmental impacts with social, economic, and other essential considerations.

4. The foregoing Findings Statement sets forth the County's judgment and rationale for moving ahead with the proposed action.

5. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the proposed Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable.

Adopted by the Tompkins County Legislature on December 20, 2005

_____

_____